

Filed for intro on 04/05/95
House Bill _____
By _____

Senate No. SB1858
By Holcomb

AN ACT to amend Chapter 76 of the Private Acts of 1917, as amended by Chapters 68 and 106 of the Private Acts of 1955, Chapter 25 of the Private Acts of 1963, Chapter 486 of the Private Acts of 1968, Chapter 54 of the Private Acts of 1969, Chapter 6 of the Private Acts of 1973, Chapter 281 of the Private Acts of 1974, Chapter 235 of the Private Acts of 1976, Chapter 292 of the Private Acts of 1978, Chapters 244 and 284 of the Private Acts of 1980, Chapter 198 of the Private Acts of 1982, Chapter 159 of the Private Acts of 1984, and all other acts amendatory thereto, relative to the charter of the City of Kingsport.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 76 of the Private Acts of 1917, as amended by Chapters 68 and 106 of the Private Acts of 1955, Chapter 25 of the Private Acts of 1963, Chapter 486 of the Private Acts of 1968, Chapter 54 of the Private Acts of 1969, Chapter 6 of the Private Acts of 1973, Chapter 281 of the Private Acts of 1974, Chapter 235 of the Private Acts of 1976, Chapter 292 of the Private Acts of 1978, Chapters 244 and 284 of the Private Acts of 1980, Chapter 198 of the Private Acts of 1982, Chapter 159 of the Private Acts of 1984, and all other acts amendatory thereto, is amended by deleting Article VII, Section 2, subsection (h) in its entirety and substituting instead the following:

(h) Purchasing agent; bids required. To act as purchasing agent of the city and to purchase all material, supplies and equipment for the proper conduct of the city's business. The board of mayor and aldermen shall prescribe by ordinance the maximum expenditure which the city manager may make without specific authorization of the board, and shall prescribe rules for competitive bidding, but no purchase shall be made at any one time in an amount which in the aggregate will exceed fifteen thousand dollars (\$15,000), unless bids shall have been requested through public advertisement and award made to the lowest responsible compliant bidder in the best interest and advantage of the City of Kingsport.

SECTION 2. Chapter 76 of the Private Acts of 1917, as amended, is further amended by deleting Article XX, Section 1 in its entirety and substituting instead the following:

Section 1. Designated work to be by contract; advertisement for bids; bond of contractor; rejection of bids; readvertisement; work by city forces.

(a) All contracts for more than fifteen thousand dollars (\$15,000) shall be awarded to the lowest responsible compliant bidder in the best interest and advantage to the City of Kingsport, after publication, advertisement and competition, as may be prescribed by ordinance; but no contract for any public work or improvement shall be awarded except on condition that the contractor give bond with some bonding company authorized to transact business in Tennessee, as surety, in a sum equal at least to fifty (50) percent of the contract price of the particular work or improvement for the faithful performance of such contract.

(b) The board of mayor and aldermen shall have the power to reject all bids and advertise again, and all advertisements shall contain a reservation of this right.

(c) This section shall not be construed to prohibit any work or improvements by city forces upon authorization by the board of mayor and

aldermen. Such authorization shall be based on detailed estimates submitted by the responsible department and approved by the city manager.

SECTION 3. Chapter 76 of the Private Acts of 1917, as amended, is further amended by deleting Article 1, Section 2, subsection (29) in its entirety and substituting instead the following:

(29) Enforcement of ordinance, regulations, rules; limits of penalties. To enforce any ordinance, rule or regulation by means of forfeitures or penalties, or by action or proceedings in any court of competent jurisdiction or by any one or more of such means and to impose costs as a part thereof, but no forfeiture or penalty shall exceed the maximum permitted by law.

SECTION 4. Chapter 76 of the Private Acts of 1917, as amended, is further amended by deleting Article IV, Section 2 in its entirety and substituting instead the following:

Section 2. Procedure for passage; emergency ordinances; amendments.

Before its adoption every ordinance shall be presented on three (3) different days in open session and read in its entirety on the first of those days; not less than seven (7) days shall elapse between the first and third presentation during which time it shall remain on file with the recorder for public inspection.

Any ordinance not so read shall become null and void except that at the discretion of the board of mayor and aldermen the reading of the ordinance may be dispensed with, provided a copy of said proposed ordinance shall have been lodged with each board member and three (3) copies lodged with the recorder at least three (3) days prior to the date of the meeting at which said ordinance shall be presented for the first time. No ordinance shall take effect until fifteen (15) days after its final passage except in the case of an emergency ordinance. Each ordinance shall be signed by the mayor or by three (3) board members and the caption thereof shall be entered upon the minutes of the board of mayor and aldermen.

An emergency ordinance may be enacted upon the date of its introduction; however, it shall contain the statement that an emergency exists and specify with particularity the facts and reasons constituting such emergency. The unanimous vote of all members of the board present, and not less than five (5) members shall be required to pass an emergency ordinance.

No ordinance making a grant, renewal or extension of a franchise or other special privilege, or regulating the rate to be charged for its services by any public utility, shall ever be granted, renewed or extended as an emergency ordinance.

No ordinance shall be amended except by a new ordinance.

SECTION 5. Chapter 76 of the Private Acts of 1917, as amended, is further amended by deleting Article VII, Section 1 in its entirety and substituting instead the following:

Sec. 1. Designation as administrative head of city government; appointment, acting city manager.

In addition to all other powers conferred upon the city manager, he shall be the administrative head of the municipal government under the direction and supervision of the board of mayor and aldermen; he shall be appointed without regard to his political beliefs and need not be a resident of the city or state at the time of his appointment. During an absence or disability of the city manager, not to exceed sixty (60) days, the city manager may designate any officer of the city established by this charter or by ordinance, to assume the power and duties of his office; provided, however, that the board of mayor and aldermen may, at its discretion, designate an officer of the city to perform the functions of the city manager during an absence or disability of any period of time.

SECTION 6. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the governing body of the City of Kingsport. Its approval or nonapproval shall be proclaimed by the presiding officer of the City of Kingsport and certified to the secretary of state.

SECTION 7. For the purpose of approving or rejecting the provisions of this act, it shall be effect upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 6.

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